



LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AE/3R	.	Floor: SENAT/CA
03/10/2016 11:44 AM	.	03/11/2016 02:51 PM
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Senator Bean moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Healthy Food Financing Initiative.—

(1) As used in this section, the term:

(a) "Community facility" means a property owned by a  
nonprofit or for-profit entity in which health and human  
services are provided and space is offered in a manner that  
provides increased access to, or delivery or distribution of,  
food or other agricultural products to encourage public



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12 consumption and household purchases of fresh produce or other  
13 healthy food to improve the public health and well-being of low-  
14 income children, families, and older adults.

15 (b) "Department" means the Department of Agriculture and  
16 Consumer Services.

17 (c) "Independent grocery store or supermarket" means an  
18 independently owned grocery store or supermarket whose parent  
19 company does not own more than 40 grocery stores throughout the  
20 country based upon ownership conditions as identified in the  
21 latest Nielsen TDLinx Supermarket/Supercenter database.

22 (d) "Low-income community" means a population census tract,  
23 as reported in the most recent United States Census Bureau  
24 American Community Survey, which meets one of the following  
25 criteria:

26 1. The poverty rate is at least 20 percent;

27 2. In the case of a low-income community located outside of  
28 a metropolitan area, the median family income does not exceed 80  
29 percent of the statewide median family income; or

30 3. In the case of a low-income community located inside of  
31 a metropolitan area, the median family income does not exceed 80  
32 percent of the statewide median family income or 80 percent of  
33 the metropolitan median family income, whichever is greater.

34 (e) "Program" means the Healthy Food Financing Initiative  
35 established by the department.

36 (f) "Underserved community" means a distressed urban,  
37 suburban, or rural geographic area where a substantial number of  
38 residents have low access to a full-service supermarket or  
39 grocery store. An area with limited supermarket access must be:

40 1. A census tract, as determined to be an area with low



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41 access by the United States Department of Agriculture, as  
42 identified in the Food Access Research Atlas;

43 2. Identified as a limited supermarket access area as  
44 recognized by the Community Development Financial Institutions  
45 Fund of the United States Department of the Treasury; or

46 3. Identified as an area with low access to a supermarket  
47 or grocery store through a methodology that has been adopted for  
48 use by another governmental initiative, or well-established or  
49 well-regarded philanthropic healthy food initiative.

50 (2) The department shall establish a Healthy Food Financing  
51 Initiative program that is composed of and coordinates the use  
52 of grants from any source; federal, state, and private loans  
53 from a governmental entity or institutions regulated by a  
54 governmental entity; federal tax credits; and other types of  
55 financial assistance for the construction, rehabilitation, or  
56 expansion of independent grocery stores, supermarkets, community  
57 facilities, or other structures to increase access to fresh  
58 produce and other nutritious food in underserved communities.

59 (3) (a) The department may contract with one or more  
60 qualified nonprofit organizations or Florida-based federally  
61 certified community development financial institutions to  
62 administer the program through a public-private partnership.  
63 Eligible community development financial institutions must be  
64 able to demonstrate:

65 1. Prior experience in healthy food financing.

66 2. Support from the Community Development Financial  
67 Institutions Fund of the United States Department of the  
68 Treasury.

69 3. The ability to successfully manage and operate lending



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70 and tax credit programs.  
71 4. The ability to assume full financial risk for loans made  
72 under this initiative.  
73 (b) The department shall:  
74 1. Establish program guidelines, raise matching funds,  
75 promote the program statewide, evaluate applicants, underwrite  
76 and disburse grants and loans, and monitor compliance and  
77 impact. The department may contract with a third-party  
78 administrator to carry out such duties. If the department  
79 contracts with a third-party administrator, funds shall be  
80 granted to the third-party administrator to create a revolving  
81 loan fund for the purpose of financing projects that meet the  
82 criteria of the program. The third-party administrator shall  
83 report to the department annually.  
84 2. Create eligibility guidelines and provide financing  
85 through an application process. Eligible projects must be:  
86 a. Located in an underserved community;  
87 b. Primarily serve low-income communities; and  
88 c. Provide for the construction of new independent grocery  
89 stores or supermarkets; the renovation or expansion of,  
90 including infrastructure upgrades to, existing independent  
91 grocery stores or supermarkets; or the construction, renovation,  
92 or expansion of, including infrastructure upgrades to, community  
93 facilities to improve the availability and quality of fresh  
94 produce and other healthy foods.  
95 3. Report annually to the President of the Senate and the  
96 Speaker of the House of Representatives on the projects funded,  
97 the geographic distribution of the projects, the costs of the  
98 program, and the outcomes, including the number and type of jobs



99 created.

100 (4) (a) The Office of Program Policy Analysis and Government  
101 Accountability shall review the program and data collected from  
102 the department after a term of 7 years and report to the  
103 President of the Senate and the Speaker of the House of  
104 Representatives. The report shall include, but is not limited  
105 to, health impacts based on data collected by the state on  
106 diabetes, heart disease and other obesity-related diseases, and  
107 other factors as determined by the department.

108 (b) If the report determines the program to be unsuccessful  
109 after 7 years, the department shall create guidelines for unused  
110 funds to be returned to the initial investor.

111 (5) A for-profit entity, including a convenience store or a  
112 fueling station, or a not-for-profit entity, including, but not  
113 limited to, a sole proprietorship, partnership, limited  
114 liability company, corporation, cooperative, nonprofit  
115 organization, nonprofit community development entity, or private  
116 university, may apply for financing. An applicant for financing  
117 must:

118 (a) Demonstrate the capacity to successfully implement the  
119 project and the likelihood that the project will be economically  
120 self-sustaining;

121 (b) Demonstrate the ability to repay the loan; and

122 (c) Agree, as an independent grocery store or supermarket,  
123 for at least 5 years, to:

124 1. Accept Supplemental Nutrition Assistance Program  
125 benefits;

126 2. Apply to accept Special Supplemental Nutrition Program  
127 for Women, Infants, and Children benefits and accept such



128 benefits, if approved;

129 3. Allocate at least 30 percent of food retail space for  
130 the sale of perishable foods, which may include fresh or frozen  
131 dairy products, fresh produce, and fresh meats, poultry, and  
132 fish;

133 4. Comply with all data collection and reporting  
134 requirements established by the department; and

135 5. Promote the hiring of local residents.

136  
137 Projects including, but not limited to, corner stores, bodegas,  
138 or other types of nontraditional grocery stores that do not meet  
139 the 30 percent minimum in subparagraph 3. can still qualify for  
140 funding if such funding will be used for refrigeration,  
141 displays, or other one-time capital expenditures to promote the  
142 sale of fresh produce and other healthy foods.

143 (6) In determining which qualified projects to finance, the  
144 department or third-party administrator shall:

145 (a) Give preference to local Florida-based grocers or local  
146 business owners with experience in grocery stores and to grocers  
147 and business owners with a business plan model that includes  
148 written documentation of opportunities to purchase from Florida  
149 farmers and growers before seeking out-of-state purchases;

150 (b) Consider the level of need in the area to be served;

151 (c) Consider the degree to which the project will have a  
152 positive economic impact on the underserved community, including  
153 the creation or retention of jobs for local residents;

154 (d) Consider the location of existing independent grocery  
155 stores, supermarkets, or other markets relevant to the  
156 applicant's project and provide the established entity the right



157 of first refusal for such project; and  
158 (e) Consider other criteria as determined by the  
159 department.  
160 (7) Financing for projects may be used for the following  
161 purposes:  
162 (a) Site acquisition and preparation.  
163 (b) Construction and build-out costs.  
164 (c) Equipment and furnishings.  
165 (d) Workforce training or security.  
166 (e) Predevelopment costs, such as market studies and  
167 appraisals.  
168 (f) Energy efficiency measures.  
169 (g) Working capital for first-time inventory and startup  
170 costs.  
171 (h) Acquisition of seeds and starter plants for the  
172 residential cultivation of fruits, vegetables, herbs, and other  
173 culinary products. However, only 7 percent of the total funds  
174 expended in any one project under this section may be used for  
175 such acquisition.  
176 (i) Other purposes as determined by the department or a  
177 third-party administrator.  
178 (8) The department shall adopt rules to administer this  
179 section.  
180 Section 2. For the 2016-2017 fiscal year, the sum of  
181 \$500,000 in nonrecurring funds from the General Revenue Fund is  
182 appropriated to the Department of Agriculture and Consumer  
183 Services for the purpose of implementing this act.  
184 Section 3. This act shall take effect July 1, 2016.  
185



186 ===== T I T L E A M E N D M E N T =====

187 And the title is amended as follows:

188 Delete everything before the enacting clause  
189 and insert:

190 A bill to be entitled  
191 An act relating to the Healthy Food Financing  
192 Initiative; providing definitions; directing the  
193 Department of Agriculture and Consumer Services to  
194 establish a Healthy Food Financing Initiative program  
195 to provide specified financing to construct,  
196 rehabilitate, or expand independent grocery stores and  
197 supermarkets in underserved communities within low-  
198 income communities; authorizing the department to  
199 contract with a third-party administrator;  
200 establishing funding specifications for  
201 administrators; providing program, project, and  
202 applicant requirements; authorizing funds to be used  
203 for specified purposes; directing the department to  
204 submit an annual report to the Legislature and adopt  
205 rules; directing the Office of Program Policy Analysis  
206 and Government Accountability to study the results of  
207 the program after a certain time period; directing the  
208 termination of the program under certain conditions;  
209 providing an appropriation; providing an effective  
210 date.